These are some of the directions in which the Fisheries Department is trying to improve the condition of the fishermen and the fisheries, and it is for these purposes that the money collected from the fishermen in the shape of license fees is being spent. You will see, therefore, that the levying of license fees which is now in force and which will continue to be in force even after the present Bill has been passed into law is intended not for the purpose of collecting revenue to be hoarded up in the treasury, but for the purpose of spending it for the protection of the fisheries and for the improvement of the social and material condition of the fishermen. In these circumstances I hope that my friends on the other side of the house will see their way to extend their whole-hearted support to this Bill. The Bill, in my opinion, stands in need of some slight alterations and these can be effected when it comes up for consideration before the Select Committee; but I fully approve of its general principles, and hence I have great pleasure in seconding the motion of my friend, Mr. Subba Aiyar, for its introduction into the Council."

Mr. Subba Aiyar's motion was carried.

Mr. Subba Aiyar moved that the Bill be referred to a Select Committee consisting of Messrs Kunjan Pillai, Parameswara Aiyar, G. Parameswaran Pillai and Subrahmanya Pillai and the Mover to report within two months.

Seconded by Mr. John Nidiry.

Carried.

THE CRIMINAL PROCEDURE CODE AMENDMENT BILL.

Mr. Subba Aiyar, in introducing the Criminal Procedure Code Amendment Bill, said :—

" Sir,

I beg to introduce a Bill to amend the Criminal Procedure Code. The amendments relate to three matters. One of them concerns the offences under the Chitties Regulation. Under this Regulation, all the Sub-Registrars have been declared ex-officio Registrars of chitties. The offences under the Regulation may be tried by a Second Class Magistrate, who cannot ordinarily take cognizance of the offence on mere information. Therefore, whenever a Sub-Registrar reports a case to the Magistrate, he has to go to the court and make a complaint. It is not possible to do so without dislocation of the work of the Sub-Registry office and without loss of public time and money. After all, it is only formal evidence that he can give. Therefore, it is thought desirable that a communication from the Sub-Registrar should be quite enough to enable the court to take cognizance of the case. With a view to confer such power upon the Magistrate, Section 170 of the Code is to be amended.

The next thing that is sought to be introduced by the Bill is the constitution of Bench Magistracy. After the passing of the Village Panchayat Courts Regulation and the constitution of the Village Panchayat Courts, the manner in which these courts have been discharging their duties has received the approbation of the public. It is therefore thought that some magisterial power may be conferred upon the non-officials by appointing Honorary Magistrates, so that they may sit in Benches and try petty cases. This is also desirable in the public interests. In the first place, this will give relief to the ordinary stipendiary Magistrates. Further, in the case of a Bench, where there is more than one Magistrate sitting in a Bench as in the case of a Village Panchayat Court, public confidence is likely to be far greater and the public are likely to be better satisfied with the decision. It is therefore proposed to secure the services of Honorary Magistrates with a view to constitute Benches.

These Benches may be invested with first or second class powers. One Section enables the Government to constitute the Bench. The provisions with regard to summary trials have been recast, *viz.*, First and Second Class Magistrates and the Benches invested with first and second class powers are allowed to try certain offences summarily. It is open to these Benches to try offences in the ordinary way or summarily. So far as the offences are concerned, the ordinary principle is that those which are not punishable with death or imprisonment exceeding three months may be tried summarily. In some cases, offences such as public health offences which may be punished with six months' imprisonment are also included.

The Bill is thus intended to associate non-officials in the administration of criminal justice and also to afford relief to the stipendiary Magistrates. With these words, I beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Anantanaravana Aiyar.

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Mr. Raman Tampi:—

"Sir,

I welcome the measure before the Council and thank the Government for their desire, evidenced by the Bill, to take the people more into their confidence and to allow them a greater share in the administration. The Statement of Objects and Reasons shows that it is the intention of the Government to invest the Bench Magistrates with even the powers of First Class Magistrates. This is highly satisfactory. But I have serious doubts whether, at the initial stage of this experiment, these courts could be invested with the discretion of trying summarily all cases. The Bill does not contain any provision with regard to appeals against the decisions of these Bench Magistrates. Naturally it is to be presumed that the provisions of Chapter XXX (regarding appeals) of the Criminal Procedure Code will apply to the decisions of the Bench Magistrates. It is a point to be considered whether in the case of all convictions entered by a Bench consisting of five or six Magistrates appeals should be allowed. Chapter XXI of our Code which deals with summary trials corresponds to Chapter XXII of the British Indian Code. Section 236 (A) of our Code corresponds to section 260 of the British Code, which contains some more provisions and Sections 236 A to E are now amended so as to bring the law into line with the law in British India. But under the British Code, Section 414 limits appeals. There is no provision corresponding to the same in the proposed Bill. If the omission is intentional, I do not think it was advisedly done. In a case which is tried either summarily or according to the usual procedure, and a conviction is entered by a Court consisting of four or five Magistrates, an appeal on facts is not quite necessary. The only other suggestion that I can make regarding the merits of the Bill is that for each centre where these Bench Magistrates are to be appointed not less than a dozen members should be nominated competent to sit on the Bench so that with a wider field of competent men there should be no difficulty to secure a quorum. Of course this is a matter which need be considered only in framing the rules.

With regard to the scope of the Bill itself, I would like to say a few words. The Criminal Procedure Code itself is out of date. The whole Code should be revised. Judicial decisions show that doubts are entertained on various matters of detail. The Code now in force was passed in 1067. In spite of occasional tinkerings in some points, the provisions are neither exhaustive nor sufficiently convenient. I would therefore suggest that the question of thoroughly overhauling the Regulation should be taken up at an early date.

With these observations I support the motion before the Council."

Mr. Subrahmanya Pillai:—

"Sir,

I have very great pleasure in supporting the principle of the Bill. It is a small measure of reform that will not only give relief to overworked Magistrates in general, but will also tend to a great extent towards the purity of the service. It is surely an indication of the Government's desire to invite public co-operation for the discharge of certain judicial functions. They seem to have been emboldened to attempt to introduce a reform of the kind by the success that has been attained by the Panchayat Courts. I can safely assure Government that the time for trial is long past, and that the general education among His Highness' subjects has spread to such an extent that they are in a position to shoulder greater responsibilities in the general administrative affairs of the State. I beg to add that they are not in any way less qualified to associate themselves in the administration of the State than their brethren in the neighbouring sister States. It is our earnest hope that the spirit of inviting public co-operation displayed in the introduction of this Bill will be continued and closely followed by still greater reforms without waiting for the result of each minor reform thus introduced."

Mr. G. Parameswaran Pillai:—

"Considering the manner in which the Panchayat Courts which we have now are discharging their functions, the proposed measure will probably be a success. I wish, however, to make one suggestion. It is this. At the initial stage, it may not be desirable to invest the Bench Magistrates with power to try cases where the dispute mainly relates to immovable property, *i. e.* cases, which might also involve incidentally adjudication of rights to such property. We find from the Bill that offences under Section 379 where the value of the property stolen does not exceed Rs. 50 are triable summarily by the Bench Magistrates invested with Second Class powers. With reference to Second Class Magistrates, we have come across many cases that are charged before the local Second Class Magistrates under Section 379, 280 or 418, in which, though the value of stolen property is only Rs. 5 or Rs. 6 the dispute mainly relates to title and possession of immovable property.

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Even the decisions of the regular Courts in such cases are very often subject to interference by the High Court on revision. We find as a matter of fact that such cases do involve an elaborate enquiry. Under the circumstances, I think it may not be advisable at present to invest the Bench Magistrates with powers to try such cases. With these observations, I support the principle of the Bill."

Mr. John Nidiry:—

"I seriously doubt whether the Bench Magistrates proposed to be constituted should be invested with the power to try all cases contemplated by the Bill. I think it will be safer to entrust these bodies first with powers to try cases of a simpler nature and invest them with powers to try others after a trial."

Mr. Subba Aiyar:—

"As regards the revision of the Criminal Procedure Code, I may say that it has been taken up and is being revised. The present Bill cannot wait for it, because it will be a long time before that is done. Being a very big measure, consisting of many Sections, I do not think that we can get through the revised Criminal Procedure Code Amendment Bill under preparation before at least two years".

Mr. Raman Tampi:—

"I do not mean to say that this Bill should wait."

Mr. Subba Aiyar:—

"As regards the power of appeal, I think that the Chapter relating to appeals will apply to summary trials also. It may however be considered by the Select Committee."

Mr. Subba Aiyar's motion was carried.

Mr. Subba Aiyar moved that the Bill be referred to a Select Committee consisting of Messrs. Rajaraja Varma, Raman Tampi, John Nidiry, Narayanan Pandalai and the Mover to report within one month.

Seconded by Mr. Rajaram Rao.

Carried.

THE PREVENTION OF CRUELTY TO ANIMALS REGULATION AMENDMENT BILL.

Mr. Subba Aiyar:—

"Sir,

I beg to introduce a Bill to amend the Prevention of Cruelty to Animals Regulation, IV of 1079, as amended by Regulation II of 1089. It would appear that the agents of the S. P. C. A. were empowered to exercise the powers of a Police Officer under Section 23 of Regulation IV of 1056. Section 50 of the new Police Regulation has taken the place of Section 23 of the old Regulation. Section 50 does not confer a power of arrest as it was thought that the provisions in the Criminal Procedure Code were quite enough. The Society has now complained that its agents are not permitted to take cognizance of the offences under the P. C. A. Regulation. The Society has accordingly recommended that its agents should be empowered to take cognizance of the offences under the Regulation and charge offenders before the Magistrates. It is with a view to enable these agents to do so, that the present Bill has been drafted. The Clause introduced in the Bill is word for word the Section in the Criminal Procedure Code which empowers Police officers to arrest. That power may also be vested in the S. P. C. A. agents by a Notification. The Bill does not contemplate anything new and I hope it is non-contentious. With these words, I beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Rangaswami Aiyangar.

Carried.

Mr. Subba Aiyar:—

"The Bill being a non-contentious measure, I beg to move that it need not be sent to a Select Committee and that it be taken up for consideration immediately, the operation of the Rules being suspended for the purpose."

Seconded by Mr. Rangaswami Aiyangar.

Carried.

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